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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,762	03/24/2004	Joshua Jenkins	6247P001C	5904

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EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/808,762

**Applicant(s)**

JENKINS, JOSHUA

**Examiner**

Ismael Negron

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040324</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Title*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Light Box Coupling Bracket including Rotatable Gripping Device.**

### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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2. The abstract of the disclosure is objected to because it repeats information given in the title. Correction is required. See MPEP § 608.01(b).

The Examiner suggests deleting the first sentence of the abstract. In addition, it is suggested that the abstract be amended to refer to a "light fixture coupling bracket", instead of a "light fixture *connecting* bracket" to be consistent with the language used in the description and claims.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**165**" has been used to designate both "*light set attaching pin*" (paragraph 0036, line 3) and "*light attaching pin*" (paragraph 0036, line 4).
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The use of the trademark VELCRO has been noted in this application (paragraph 0030, line 4). It should be capitalized wherever it appears and be accompanied by the generic terminology (e.g. "hook-and-loop fasteners").

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 is indefinite as it depends from non-existent Claim 25. For Prior Art rejection purposes the Examiner assumed that Claim 6 was intended to be dependent from Claim 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over FINN et al. (U.S. Pat. 6,106,125) and ROSENTHAL (U.S. Pat. 4,504,888).

FINN et al. discloses an illumination device having:

- **a light box (as recited in claims 1 and 5), Figure 2, reference number 1;**
- **a light bar (as recited in claims 1 and 5), Figure 12, reference number 14;**
- **the light bar located within the light box (as recited in Claim 1), Figure 2;**
- **a plurality of light fixture coupling brackets (as recited in Claim 1), Figure 2, reference number 81;**
- **the brackets being adapted to couple to the light bar (as recited in Claim 1), Figure 2;**
- **at least one light (as recited in claims 1 and 5), Figure 2, reference numbers 75-78;**
- **the light being mounted to the light bar (as recited in claims 1 and 5), column 4, lines 15-17;**
- **at least one removable adjustable gripping device (as recited in claims 1 and 5), Figure 1, reference number 83;**
- **the brackets being adapted to couple to the gripping device (as recited in claims 2 and 5), column 4, lines 55-59;**

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- **the light fixture coupling brackets being adaptable to couple to a light bar bracket (as recited in Claim 4), as seen in Figure 2;**
- **the light bar bracket having at least one light set attaching pin (as recited in claims 4 and 6), Figure 2, reference number 90;**
- **the light attaching pin coupling to a removable light set (as recited in claims 4 and 6), as seen in Figure 2;**
- **the light box having a plurality of expansion rods (as recited in Claim 5), Figure 7, reference number 14;**
- **the light box having first and second frames (as recited in Claim 5), Figure 7, reference number 22; and**
- **the expansion rods being coupled to the frames (as recited in Claim 5), column 3, lines 14-17.**

FINN et al. discloses all the limitations of the claims, except:

- the gripping device being rotatably adjusted around said light box (as recited in Claim 1);
- the adjustable gripping device including a gripping pin (as recited in claims 3 and 5);
- the gripping pin being coupled to a rear portion of the gripping device (as recited in claims 3 and 5);
- a first tightening handle (as recited in Claim 3);
- a second tightening handle (as recited in Claim 3);

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- the tightening handles opposing one another (as recited in Claim 3);
- the tightening handles adjusts an angle of the adjustable gripping device in relation to the plurality of light fixture coupling brackets and the light box (as recited in Claim 3);
- the gripping pin is substantially centered on the rear portion of the gripping device (as recited in claims 3 and 5); and
- the gripping pin being removable from the gripping device (as recited in Claim 5).

ROSENTHAL discloses an illumination device having:

- **a light box (as recited in claims 1 and 5)**, Figure 2, reference number 10;
- **a light bar (as recited in claims 1 and 5)**, Figure 2, reference number 12;
- **a plurality of light fixture coupling brackets (as recited in Claim 1)**, Figure 2, support portion of reference number 15;
- **at least one light (as recited in claims 1 and 5)**, Figure 2, reference number 13;
- **the light being mounted to the light bar (as recited in claims 1 and 5)**, column 3, lines 51-53;
- **an adjustable gripping device (as recited in claims 1 and 5)**, Figure 2, reference number 11;



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- **the brackets being adapted to couple to the gripping device (as recited in Claim 1), column 3, lines 46-49;**
- **the gripping device being rotatably adjusted around said light box (as recited in Claim 1), column 3, lines 39-41;**
- **the brackets being adapted to couple to the gripping device (as recited in claims 2 and 5), as seen in Figure 2;**
- **the adjustable gripping device including a gripping pin (as recited in claims 3 and 5) Figure 2, reference number 16;**
- **the gripping pin being coupled to a rear portion of the gripping device (as recited in claims 3 and 5), as seen in Figure 2;**
- **a first tightening handle (as recited in Claim 3) Figure 2, reference number 15;**
- **a second tightening handle (as recited in Claim 3) Figure 2, reference number 15;**
- **the tightening handles opposing one another (as recited in Claim 3), as seen in Figure 2;**
- **the tightening handles adjusts an angle of the adjustable gripping device in relation to the plurality of light fixture coupling brackets and the light box (as recited in Claim 3), column 3, lines 39-45;**

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- **the gripping pin being substantially centered on the rear portion of the gripping device (as recited in claims 3 and 5), as seen in Figure 2; and**
- **the gripping pin being removable from the gripping device (as recited in Claim 5), column 3, line 42.**

It would have being obvious to one of ordinary skill in the art at the time the invention was made to use the adjustable gripping device of ROSENTHAL as the support of the light box of FINN et al. to enable the light box to be easily aimed in any desired direction, as per the teachings of ROSENTHAL (column 3, lines 39-45).

#### ***Relevant Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Koefoed** (U.S. Pat. 211,915), **Clifton** (U.S. Pat. 3,936,023), **Farrall** (U.S. Pat. 4,788,628), **Guggemos** (U.S. Pat. 4,998,189), **Tawil et al.** (U.S. Pat. 5,651,602), **Seligman et al.** (U.S. Pat. 6,176,598) and **Jenkins** (U.S. Pat. 6,814,467) disclose light boxes having fork-type supporting structures.


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**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**



John Anthony Ward

December 8, 2004